

## **ARBITRATION TRACK SCHEDULING AND DISCOVERY POLICY**

This policy is governed by the Civil Justice Expense and Delay Reduction Plan (Civil Justice Plan) of this Court, effective December 31, 1991. Judge Reed has not opted out of any of the provisions of the Civil Justice Plan.

1. Arbitration Track cases are governed by Local Rule of Civil Procedure 53.2.
2. There will generally be no Rule 16 scheduling conference in arbitration cases. The case will be placed in line for arbitration by the Arbitration Clerk of Court. This Court will execute an Order appointing the arbitrators and setting an arbitration date. Local Rule Civ. P. 53.2, 4A.
3. Dispositive Motions: If a dispositive motion is filed before the Order has been issued by this Court setting the arbitration date, then the Court will not issue that Order until the Court has ruled on the motion, *but* filing such a motion after the Court has ordered the arbitration date will not stay the arbitration. Local Rule Civ. P. 53.2, 4C.
4. Discovery. Discovery must be completed within ninety (90) days from the date of filing of the answer to the complaint. Local Rule Civ. P. 53.2, 4A.

This Court will usually rule upon discovery disputes but may order such disputes to be resolved by a magistrate judge.
5. After arbitration, requests for trial de novo will result in the case being called for trial as early as twenty-five (25) days after the request for trial *de novo* is entered on the docket. No discovery will be allowed after the arbitration except upon order of this Court upon good cause shown as to why the discovery was not completed prior to the arbitration. The exact terms of the Pretrial Scheduling Order for Arbitration Track cases must be followed for trial preparation.
6. VIDEOTAPE DEPOSITIONS - CAUTION: If there is a trial *de novo*, presentation of testimony by all witnesses in person in the courtroom is preferred and expected by the Court. *A stipulation of counsel that videotape or paper deposition testimony may be used at trial is not binding on the Court.* If any party expects to contend that a witness is unavailable at the time of trial as defined in Federal Rule of Civil Procedure 32(a)(3), a motion must be filed and if Judge Reed rules that deposition testimony may be used, he expects use of paper transcripts or videotape depositions at trial of *any such witness* whose testimony a party believes essential to the presentation of that party's case, whether that witness is a party, a non-party or an expert.

7. Unexcused violations of case management and scheduling orders are subject to sanctions under Fed. R. Civ. P. 16(f), upon motion or the initiative of the Court.

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LOWELL A. REED, JR., S.J.

Form: (6/20/96)